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C O N F I D E N T I A L SECTION 01 OF 04 LUSAKA 000730

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STATE FOR AF/S JNAMDE

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SUBJECT: ZAMBIAN BY-ELECTION MARRED BY VIOLENCE AND FRAUD

REF: A. LUSAKA 667

[1](#)B. LUSAKA 700

[1](#)C. LUSAKA 524

Classified By: Ambassador Donald E. Booth for reasons 1.4 (b,d)

SUMMARY

[1](#)1. (C) The October 15 Kasama Central Member of Parliament by-election in Zambia's Northern Province was marred by Electoral Code of Conduct violations, violence, and rampant fraud. Although opposition Patriotic Front (PF) candidate Geoffrey Bwalya Mwamba won in the heavily PF district by a wide margin, the ruling Movement for Multiparty Democracy (MMD) pulled out all the stops to wrest the seat from the PF and send a message that it could defeat the opposition PF-United Party for National Development pact on its own turf. An unusually high level of violence between PF and MMD supporters underscored the importance of this by-election as parties ramp up to the 2011 general elections. The MMD used its political clout, financial resources, and press control to the fullest extent, while opposition parties employed their fair share of dirty politicking. Multiple violations of electoral conduct observed during the campaign, including widespread voter fraud, violence, and excessive political influence on the electoral process, indicated that both the ruling MMD and opposition parties were willing to win at all costs -- even at the expense of a free and fair election.
END SUMMARY.

ELECTION RESULTS - PF WINS BIG BUT MMD MAKES RURAL INROADS

[1](#)2. (SBU) PolOff witnessed a tense atmosphere filled with political drama, violence, and rampant fraud during the October 15 Kasama Central Member of Parliament (MP) by-election in Zambia's Northern Province. Opposition Patriotic Front (PF) candidate Geoffrey Bwalya Mwamba (GBM) defeated Movement for Multiparty Democracy (MMD) candidate Burton Mugala in a six-candidate field by a vote of 10,668 to 4,184 (72 to 28 percent). GBM replaces former MP Saviour Chishimba, who quit the PF July 21 over a dispute with PF leader Michael Sata, thereby vacating his seat.

[1](#)3. (SBU) Although GBM won the by-election by a wide margin, the ruling MMD pulled out all the stops to wrest the seat from the PF and send the opposition PF-United Party for National Development (UPND) pact a message that the MMD could defeat it on its own turf. The MMD used its political clout, financial resources, and press control to win votes, especially in rural areas where it is traditionally stronger. However, the MMD's efforts to win at all cost in Kasama Central helped it chip away at a PF stronghold and fine tune its strategy for winning outright in more competitive regions.

VIOLENCE AND BLOODSHED

14. (C) An unusually high level of violence between PF and MMD supporters underscored the importance of this by-election as tension builds between the MMD and its biggest threat, the PF-UPND pact, leading up to the 2011 presidential and parliamentary elections. PolOff observed on the night of October 14 in front of Kasama's central police station several injured MMD supporters, a visibly shaken Minister of Tourism Catherine Namugala, and Deputy Minister Gaston Sichilima from the Office of the Vice President. Police officials reported that PF supporters had stoned several MMD supporters and destroyed a campaign vehicle when their campaign procession entered a PF-dominated Kasama neighborhood. The authorities implemented a curfew on the eve of the election and dispatched armed police to apprehend stoning suspects and maintain peace. Bonnie Tembo, executive director of the elections-monitoring NGO Anti-Voter Apathy Project (AVAP), stated that PF supporters attacked an MMD operative October 10 with pepper spray for allegedly ripping down PF campaign posters. He indicated that tensions were exacerbated by the political and cultural clash between PF insiders living in Kasama and MMD outsiders in Kasama temporarily to bolster local party support.

ABUSE OF PUBLIC RESOURCES

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15. (C) President Rupiah Banda visited Kasama October 10-12 accompanied by a gaggle of Cabinet ministers who campaigned on behalf of the MMD candidate. Banda credited his government with providing over Kwacha 1.6 billion (USD 325,000) in financial assistance for local development projects, including upgrading a school, rehabilitating a local road, building a bridge, and opening a rural health clinic. Banda also announced that his government would provide funding and seek investors to reopen the Kateshi Coffee Plantation -- and with it, put over 200 residents back to work. Banda asserted that his party's candidate, Mugala, would "deliver to the people of Kasama" -- unlike his opponent, who "wouldn't be allowed in the door of State House," effectively threatening the population if they voted for the opposition. Several of the projects Banda touted had been completed several months before his visit. PolOff also noted far more public workers refurbishing local streets during the by-election than during his September visit to Kasama (ref A).

16. (C) AVAP and Foundation for Democratic Process (FODEP) elections monitors noted multiple instances of attempted vote-buying by MMD supporters. AVAP's Tembo and the press confirmed that a crowd chased Minister of Commerce, Trade, and Industry Felix Mutati and Minister of Health Kapembwa Simbao from a local market October 13 after the ministers attempted to buy voters' support for the MMD using money, blankets, and mealie (corn) meal. AVAP's provincial coordinator, Kelly Kashiwa, said that Mutati had offered voters in the market Kwacha 100,000 (20 dollars) in exchange for their voter cards -- an effort to prevent PF supporters from voting (now and in 2011 as replacement voter ID cards are hard to obtain). Kashiwa explained that MMD supporters offered hippopotamus meat, mealie meal, blankets and soap to voters at various locations in Kasama and required them to sign a party membership list before receiving the bribes; he backed up his contention with photographic evidence showing government vehicles laden with these items. Kashiwa told PolOff that AVAP believes the Zambian Wildlife Administration (ZAWA) illegally provided meat from its game stocks to MMD leaders for political campaign purposes. PolOff spoke to an MMD supporter parked next to a polling station offering

voters Kwacha 100,000 (20 dollars) to vote MMD. Some rural residents solicited bribes from PolOff requesting payment for having voted for the MMD.

17. (C) PolOff observed MMD supporters using government vehicles to haul campaign supplies and transport voters illegally to polling stations on election day. He noted that although these vehicles sported non-GRZ license plates they bore government markings. PolOff observed private vehicles operated by opposition party supporters illegally transporting voters to polling stations, and observed political operatives buying fuel at a local fueling station for taxis and minibuses to offer voters free rides to polling stations. AVAP's Kashiwa affirmed that GRZ officials misused public resources by using government vehicles and a helicopter to transport Minister Mutati, Minister Simbao, Minister Namugala, Minister of Lands Peter Daka, Minister of Energy Kenneth Konga, Minister of Works and Supply Mike Mulongoti and their entourages to Kasama in support of the MMD candidate.

18. (C) Despite constitutional prohibitions barring indigenous leaders (chiefs) from participating in GRZ politics, Banda and MMD enlisted political support from Bemba Paramount Chief Chitimukulu and other chiefs in order to sway voters in their villages to support the MMD candidate. AVAP's Kashiwa said that the MMD offered chiefs transportation and money to express public support for MMD candidates and criticize the opposition.

PRESS CONTROL AND POLITICAL ATTACKS

19. (C) The MMD relied heavily on the government-controlled media, particularly the Times of Zambia newspaper and Zambian National Broadcasting Company (ZNBC) news channel, to talk up the MMD candidate and discredit the opposition. AVAP's Kashima noted that MMD supporters offered voters free copies of the Times of Zambia and removed all available copies of The Post -- an independent newspaper strongly critical of the Banda administration (ref B) -- from local circulation in the run-up to the election. MMD supporters also circulated a fake copy of The Post featuring an article from a June 2008 edition of the Times of Zambia alleging that the PF candidate beat his wife's sister. Politicians repeatedly violated the electoral code of conduct by caricaturizing and attacking their opponents. President Banda called the portly PF

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candidate "a sack of mealie meal." PF leader Michael Sata called Banda "the worst chief tribalism," a thinly veiled reference to the MMD's attempt to discredit GBM as a racist for urging voters to elect him "as a Bemba" and a "son of the soil." In the aftermath of the MMD's electoral defeat, The Post alleged that ZNBC fired news manager Kelly Chubili October 14 for failing to broadcast coverage of Banda's campaign in Kasama.

VOTER DISENFRANCHISEMENT AND VOTER CARD SCANDAL

110. (C) Voter disenfranchisement played a substantial role in this by-election but probably did not affect the outcome. The ECZ has not conducted voter registration since late 2005. As a result, Zambians who turned 18 years of age since 2005 have been denied the right to vote, and, with 50 percent of the population under age 18, this could be a substantial number of people (ref C). However, in general the PF is popular among Zambian youths and therefore probably would have still won this by-election, but by a larger margin. ECZ consultant Paul Anderson stated October 15 that widespread voter disenfranchisement represented Zambia's biggest obstacle to free and fair elections and that several thousand Kasama residents -- up to one quarter of all eligible voters

-- may have been unable to vote. He said that Zambians face the dual challenge of obtaining a National Registration Card and a Voter Card prior to being added to voter lists. Although the 2010 draft GRZ budget (septel) sets aside Kwacha 128.5 billion (USD 257,000) for Voter and National Registration next year, Anderson stated that the funding is only adequate for the ECZ to offer one 45-day voter registration campaign.

¶11. (C) Much like the 2008 presidential by-election, AVAP, FODEP and other elections-monitoring NGOs present at the by-election observed that the Zambian electoral process did not have significant occurrences of fraud when voters voted, ballots were counted, and results announced. PolOff did not observe voting irregularities at polling stations, nor during a vote count at the Buseko polling station next to where PF supporters stoned MMD opponents the night before. Politicians and government officials not authorized to enter polling stations did so without consequences. PolOff observed PF Member of Parliament and campaign manager Willie Nsanda watching voting at Kasama's largest polling station and the PF candidate, GBM, watched the vote count at the Buseko polling station.

¶12. (C) Voter mistrust that the ruling party would commit fraud ran high. The ECZ piqued voters' distrust when it issued hundreds of replacement voter cards at polling stations, and voters at one polling station refused to vote for an hour until ECZ officials withdrew the replacement cards. MP Nsanda accused the ECZ October 15 of distributing invalid voter cards because the cards were unsigned. ECZ Deputy Director Mulenga confirmed that the cards were valid. Nevertheless, the unsigned cards stirred accusations that the GRZ used the ECZ to issue fake voter cards and/or replacement cards only to MMD supporters, and several polling stations barred voters from voting using these cards.

ELECTION CAMPAIGNS - ZAMBIAN STYLE

¶13. (SBU) All campaigns used traditional methods to support their campaigns -- with a Zambian twist. Most campaigns posted brightly colored campaign posters prominently displaying candidates' profiles on walls and trees. Several candidates had campaign vehicles plastered with campaign paraphernalia and patriotic music representing their candidate. Some supporters waved hand-made campaign banners, and truckloads of supporters with bullhorns paraded in processions throughout the city encouraging bystanders to vote. The PF sprayed political graffiti extensively -- and illegally -- on walls and across road surfaces telling locals to "VOT GBM" (sic). The perpetual posting and ripping down of campaign posters led to the October 13 jailing of a business owner who allowed the PF to post campaign posters on his property but ripped down posters pasted to his property by MMD supporters.

COMMENT

¶14. (C) Multiple violations of electoral conduct observed during the by-election campaign, including widespread

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vote-buying, violence, and excessive political influence on the electoral process, indicated that both the ruling MMD and opposition parties did anything they could legally or illegally do to win -- even at the expense of a free and fair election. The 2008 and 2009 by-elections demonstrated that the ECZ lacks the capacity and/or will to enforce the Electoral Code of Conduct, inspiring increasingly blatant violations of it. Heavy campaigning by Banda and many Cabinet ministers demonstrated that this by-election was a key bellweather in the run-up to the 2011 national elections.

Although the PF-UPND pact held up and handily vanquished the MMD, the MMD made some gains in a PF stronghold and can use this as a roadmap for future elections. Distrust of the Banda administration and President Banda's performance were key issues during this by-election. Former president Frederick Chiluba's support for the MMD did not play a major role in this by-election , although the MMD did deploy him for campaigning soon after his acquittal on criminal charges of corruption. The solidarity of the the PF-UPND pact was not a factor because the UPND has little support in Northern Province. This by-election -- like many since the voters list was last updated in 2005 -- was marred by many violations, particularly voter disenfranchisement. Embassy continues to engage the Electoral Commission of Zambia to urge that the voter lists are updated in time for the national elections and will continue to monitor Zambian by-elections (there is another one November 19 in North West Province). END COMMENT.
BOOTH